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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,070	01/24/2001	Michael Lunsford	PALM-3238.US.P	7197

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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/770,070

Applicant(s)
Michael Lunsford

Examiner
Naghmeh Mehrpour

Art Unit
2686



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-6, 8, 10-15, 17, 19-25, 29-32**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bentley (US Patent number 6,591,094 B1) in view of Pepe et al.(US Patent Number 5,742,905).

Regarding **claims 1, 29**, Bentley teaches a system and method for remotely controlling a device wirelessly with a portable computing device (col 5 lines 24-31, lines 63-65), said system comprising: a portable computing device for wirelessly transmitting a control signal based on an occurrence even, and the device wirelessly receiving said control signal and performing an action corresponding to said control signal (col 10 lines 22-27, lines 59-67).

Bentley does not teach the device is a PDA, that wirelessly transmits a control signal based on an occurrence of a predefined time. However Pepe teaches a portable computing device/Personal communication device/PDA for wirelessly transmitting a control signal based on an occurrence of a predefined time (col 17 lines 50-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching Pepe with Bentley's system, in order to allow user to control specific events or conditions when selected condition

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user items, and allow a user to control specific events or conditions when selected condition occurs, and to automatically detect, activates/deactivates or changing the conditions of items remotely. The combination of Bentley and Pepe fails to teach a system, that operating wirelessly with Blue tooth technology. However a Blue tooth technology is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching with the combination Bentley and Pepe, in order to increase speed and improve quality of controlling specific events or conditions when selected condition occurs, and to automatically detect, activate/deactivate or changing the conditions of items remotely.

Regarding **claims 2, 30**, Bentley teaches a portable computing device (col 5 lines 24-31).

However Bentley does not mention that the portable device is a PDA. Pepe teaches a mobile communication subscriber has various portable Messaging equipment, such as PDA, cellular phone, and pager (col 5 lines 40-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching Pepe with Bentley's system, in order to increase speed and improve quality of information about user items, and allow a user to automatically detect, activates/deactivates or changing the conditions of items remotely.

Regarding **claims 3, 31**, Bentley teaches a system wherein the portable computing device uses a radio frequency (RF) technology to wireless transmits and control signal, the base of Bentley teaching is build up on RF technology (see figure 6, numeral 614, col 4 lines 54-65).

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Regarding **claims 4-6**, the combination of Bentley and Pepe fails to teach a system wherein the radio frequency technology comprises IEEE 802.11 technology, HOMERF technology, and Blue tooth technology. However the use of radio frequency technology comprising: IEEE 802.11 technology, HOMERF technology, and Blue tooth technology are well known in the art.

Therefore, the examiner takes official notice that, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement using RF teaching such as IEEE 802.11 technology, HOMERF technology, and Blue tooth, technology with the combination of Bentley and Pepe, in order enable the users to automatically detect, activate/deactivate or changing the conditions of items remotely by using either over a short rang or a long range.

Regarding **claim 15**, Bentley teaches a system for remotely controlling a device wirelessly with a portable computing device (col 5 lines 24-31, lines 63-65), said system comprising: a portable computing device for wirelessly transmitting a control signal based on an occurrence even, and the device wirelessly receiving said control signal and performing an action corresponding to said control signal (col 10 lines 22-27, lines 59-67). Bentley does not teach the device is a PDA, that wirelessly transmits a control signal based on an occurrence of a predefined time. However Pepe teaches that the portable computing device/ Personal communication device/PDA that wirelessly transmits a control signal based on an occurrence of a predefined time (col 17 lines 50-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching Pepo with Bentley's system, in order to increase speed and

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improve quality of providing information about user items, and allow a user to control specific events or conditions when selected condition occurs, and to automatically detect, activate/deactivate or changing the conditions of items remotely. The combination of Bentley and Pepe fails to teach a system, that operating wirelessly with Blue tooth technology. However a Blue tooth technology is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching with the combination Bentley and Pepe, in order to increase speed and improve quality of controlling specific events or conditions when selected condition occurs by user remotely.

Regarding **claims 8, 10, 12-14, 17, 19, 21-22**, the combination of Bentley and Pepe does not specifically mention that system comprises: radio, security system, coffee maker and Sprinkler, thermostat. However a system comprises: radio, thermostat, Sprinkler, coffee maker, or security system, are well known in the art. Therefore, the examiner takes official notice that it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching to the combination of Bentley and Pepe, in order to provide a system that includes logic that remotely controlling various functions, and enables the owner arm or disarm selected alarm conditions, and activate or deactivates home systems.

Regarding **claims 11, 20**, Bentley teaches a automatic user notification system comprising a network operation center (NOC), user detectors. The NOC comprises a processor, a subscriber database, a user interface, a notification interface and a communication interface for monitoring

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user items and notifying a user when selected conditions occur, as it has shown in figure 1, the system made of computer system (see figure 1, numeral 100, col 3 lines 15-19, col 4 lines 31-40). Regarding **claims 23, 32**, Bentley teaches a system for remotely controlling a device wirelessly with a portable computing device (col 5 lines 24-31, lines 63-65), said system comprising: a portable computing device for wirelessly transmitting a control signal based on an occurrence even, and the device wirelessly receiving said control signal and performing an action corresponding to said control signal (col 10 lines 22-27, lines 59-67).

Bentley does not teach the device is a PDA, that wirelessly transmits a control signal based on an occurrence of a predefined time. However Pepe teaches that the portable computing device/ Personal communication device/PDA that wirelessly transmits a control signal based on an occurrence of a predefined time (col 17 lines 50-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching Pepo with Bentley's system, in order to increase speed and improve quality of providing information about user items, and allow a user to control specific events or conditions when selected condition occurs, and to automatically detect, activates/deactivates or changing the conditions of items remotely. The combination of Bentley and Pepe fails to teach a system, that operating wirelessly with Blue tooth technology. However a Blue tooth technology is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching with the combination Bentley and Pepe, in order to increase

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speed and improve quality of controlling specific events or conditions when selected condition occurs by user remotely.

Regarding **claims 24-25**, Bentley teaches a system wherein the action comprises: becoming activated and deactivated (col 8 lines 31-38).

3. **Claims 7, 9, 16, 18, 26-28, 33-34**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bentley (US Patent Number 6,591,094 B1) and Pepe et al. (US Patent Number 5,742,905) in view Kim et al. (US Patent Number 6,118,926).

Regarding **claims 7, 9, 16, 18**, the combination of Bentley and Pepe fails to teach a system that comprises: VCR and TV. However Kim teaches a system that comprises: a VCR and a TV (col 1 lines 63-67, col 2 lines 1-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Kim with the combination of Bentley and Pepe, in order to provide benefit from improvements in notification systems which can provide the additional user controllable functionality.

Regarding **claim 26-28**, Bentley further teaches a system wherein the action comprises: monitor conditions of user vehicle, home alarm system that detects emergency conditions, intrusion burglary of a user's home or business, activate/de-activate home system such as heating or hot water system, the status of door sensors, window sensors, smoke detectors, fire and flood sensors or any abnormal condition results in immediate notification to the home owner (col 3 lines 55-67), by using electronic mail, facsimile, pager telephone over telephone or public information

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network such as Internet (col 1 lines 5-11). The combination of Bentley and Pepe does not specifically mention that the system actions comprises : recording a television show, adjusting, a setting, and downloading the show. However Kim teaches a system wherein the action comprises recording and adjusting, and setting a television show (col 2 lines 1-40, col 3 lines 53-65). Since downloading are part of the recording procedures, therefore, Kim further inherently teaches downloading (col 1 lines 63-67, col 2 lines 1-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the above teaching of Kim in the combination of Bentley and Pepe, in order to automatically provide recording of each of a plurality of desired TV programs between predetermined times.

Regarding **claims 33-34**, the combination of Bentley and Pepe fails to teach a system that comprises: radio, security system, coffee maker and Sprinkler, thermostat, VCR and TV.

However a system comprises: radio, thermostat, Sprinkler, coffee maker, or security system, are well known in the art. Therefore, the examiner take official notice that it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching with to the combination of Bentley and Pepe, in order to provide a system that includes logic that remotely controlling various functions, and enables the owner arm or disarm selected alarm conditions, and activate or deactivates home systems. Kim teaches a system that comprises a VCR and TV (col 1 lines 63-67, col 2 lines 1-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine above teaching of Kim with the

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combination of Bentley and Pepe, in order to provide benefit from improvements in notification systems which can provide additional user controllable functionality.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lowe et al. (US Patent 6,298,218 B1) disclose combined advertising and entertainment system network

Young (US Patent 5,532,754) disclose background television schedule system

Kaufman (US Patent Number 6,034,621) disclose wireless remote synchronization

Hiraki (US Patent Number 4,796,107) disclose apparatus for reserving programs at various recording tape running

5. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 308-6306, (for informal or draft communications, please label

“PROPOSED” or “DRAFT”)

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Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

If attempt to reach the examiner are unsuccessful the examiner's supervisor, Marsha Harold-Banks be reached (703)308-5576.

NM

Aug 19, 2003


CHARLES APPIAH
PRIMARY EXAMINER